



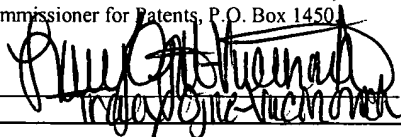
IFW

S/N 10/821,617

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	GRAY ET AL.	Examiner:	UNKNOWN
Serial No.:	10/821,617	Group Art Unit:	UNKNOWN
Filed:	APRIL 9, 2004	Docket No.:	6683.50USC1
Title:	TEMPORARY SPINAL FIXATION APPARATUSES AND METHODS		

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2004.
By: 
Name: Gregory E. Kohn

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application Serial No. 09/676,622 filed October 3, 2000, now U.S. Patent No. 6,743,231 B1.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.


Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

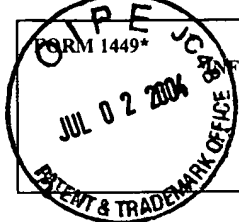
Date: June 30, 2004


Karen A. Fitzsimmons
Reg. No. 50,470
KAF:PLStov



Date Mailed: June 30, 2004

Sheet 1 of 3



INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

6683.50USC1

Application Number:

10/821,617

Applicant: GRAY ET AL

Filing Date: 04/09/2004

Group Art Unit: UNKNOWN

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,426,364	02/11/1969	Lumb			
	4,369,769	01/25/1983	Edwards			
	4,545,374	10/08/1985	Jacobson			
	4,554,914	11/26/1985	Kapp et al.			
	4,569,338	02/11/1986	Edwards			
	4,653,481	03/31/1987	Howland et al.			
	4,805,602	02/21/1989	Puno et al.			
	5,000,165	03/19/1991	Watanabe			
	5,127,912	07/07/1992	Ray et al.			
	5,176,680	01/05/1993	Vignaud et al.			
	5,190,543	03/02/1993	Schläpfer			
	5,217,497	06/08/1993	Mehdian			
	5,261,913	11/16/1993	Mamay			
	5,300,073	04/05/1994	Ray et al.			
	5,306,275	04/26/1994	Bryan			
	5,312,404	05/17/1994	Asher et al.			
	5,474,558	12/12/1995	Neubardt			
	5,545,165	08/13/1996	Biedermann et al.			
	5,549,608	08/27/1996	Errico et al.			
	5,554,157	09/10/1996	Errico et a.			
	5,571,109	11/05/1996	Bertagnoli			
	5,586,984	12/24/1996	Errico et al.			
	5,628,740	05/13/1997	Mullane			
	5,720,751	02/1998	Jackson			
	5,814,046	09/29/1998	Hopf			
	5,863,293	01/26/1999	Richelsoph			
	5,873,878	02/1999	Harms et al.			
	5,928,233	07/1999	Apfelbaum et al.			
	5,935,133	08/10/1999	Wagner et al.			
	5,947,969	09/1999	Errico et al.			

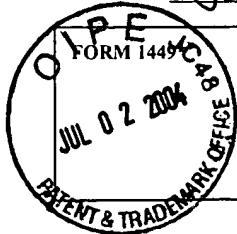
EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

Date Mailed: June 30, 2004

Sheet 2 of 3



INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

6683.50USC1

Application Number:

10/821,617

Applicant: GRAY ET AL

Filing Date: 04/09/2004

Group Art Unit: UNKNOWN

	5,964,760	10/12/1999	Richelsoph			
	6,010,503	01/04/2000	Richelsoph et al.			
	6,050,997	04/18/2000	Mullane			
	6,123,707	09/26/2000	Wagner			
	6,139,549	10/2000	Keller			
	6,162,234	12/19/2000	Freedland et al.			
	6,251,112	06/2001	Jackson			
	6,245,112 B1	06/12/2001	Doubler et al.			
	6,179,841	10/2001	Jackson			
	6,299,648 B1	10/09/2001	Douler et al.			
	6,355,068 B1	03/12/2002	Doubler et al.			
	6,375,657 B1	04/23/2002	Doubler et al.			
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	US2002/0143341 A1	10/03/2002	Biedermann et al.			
	US2003/0023243 A1	01/30/2003	Doubler et al.			
	US2003/0073996 A1	04/17/2003	Doubler et al.			
	US2003/0073997 A1	04/17/2003	Doubler et al.			
	US2003/0074078 A1	04/17/2003	Doubler et al.			
	6,551,323 B2	04/22/2003	Duobler et al.			
	US2003/0100904 A1	05/29/2003	Biedermann			
	US2003/0149487 A1	08/07/2003	Doubler et al.			
	6,743,231 B1	06/01/2004	Gray et al.			

FOREIGN PATENT DOCUMENTS

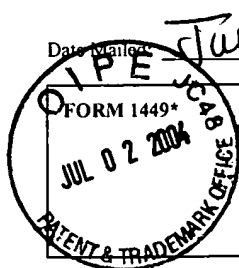
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	G 4789-DE	07/26/1990	GE				X
	WO 98/32386	07/30/1998	PCT			Abstract	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Brantigan, J. et al., "Posterior Lumbar Interbody Fusion Technique Using the Variable Screw Placement Spinal Fixation System", <i>SPINE: State of the Art Reviews</i> , Vol. 6, No. 1, pp. 175 - 200 (January, 1992)
	"Surgical Technique Step 11 - Step 13", <i>Liberty Spinal System</i> , as described by Roger P. Jackson, M.D., F.A.C.S., pp. 18 - 20
	"Surgical Technique Step 5", <i>CD Horizon™ Spinal System</i> , as described by Samuel J. Laufer, M.D. et al., pp. 7 - 22

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.



FORM 1449*

INFORMATION DISCLOSURE STATEMENT

IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

6683.50USC1

Application Number:

10/821,617

Applicant: GRAY ET AL

Filing Date: 04/09/2004

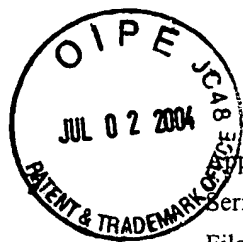
Group Art Unit: UNKNOWN

	Marchesi, D. et al., "Application of the AO-ASIF Universal Spine System in the Lumbosacral Junction", <i>Lumbosacral and Spinopelvic Fixation</i> , Eds. Margulies, J. et al., Chapter 24, pp. 293 - 299 (1996)
	"PLIF (Posterior Lumbar Interbody Fusion) Broach System", <i>AcroMed[®] Corporation</i> , developed by Arthur D. Steffee, M.D.
	"Posterior System Surgical Protocol", <i>Osteonics Spinal System</i> , pp. 12 - 17
	"Design Rationale", <i>TSRH[®] Spinal System</i> , pg. 9
	"Products List - TSRH Instruments", <i>TSRH[®] Spinal Implant System</i>
	"Severe Spondylolisthesis of L5-S1 Grade 3 & 4", <i>TSRH[®] Pedicle Screw Spinal System</i> , Surgical Technique Step 9 as described by Edward H. Simmons, MD et al., pg. 22 - 23
	"Contouring and Positioning the Rod", <i>Moss[®] Miami 3-Dimensional Spinal Instrumentation</i> , Product Catalogue, pg. 8
	"Rod Reduction", <i>SDRS[™]</i> , Surgical Technique
	"The Universal Spinal System - Surgical Technique Guide for the Correction of Scoliosis", <i>Synthes[®] Spine</i> , pp. 5 - 13
	"The Universal Spinal System (USS) Technique Guide For Spondylolisthesis using the Side-Opening Screw and the Variable Axis Screw", <i>Synthes[®] Spine</i> , pp. 18 - 19
	"Hook Designs and Sizes", <i>XIA[™] Spinal System</i> , pp. 4 - 5

**23552**

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GRAY ET AL. Examiner: UNKNOWN
Serial No.: 10/821,617 Group Art Unit: UNKNOWN
Filed: APRIL 9, 2004 Docket: 6683.50USC1
Due Date: JULY 9, 2004
Title: TEMPORARY SPINAL FIXATION APPARATUSES AND METHODS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2004.

By: 
Name: Karen A. Fitzsimmons

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE


Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Karen A. Fitzsimmons
Reg. No.: 50,470
KFitzsimmons:PLStov